

# House File 808 - Enrolled

PAG LIN

HOUSE FILE 808

1 1  
1 2  
1 3  
1 4  
1 5  
1 6  
1 7  
1 8

## AN ACT

RELATING TO AND MAKING APPROPRIATIONS INVOLVING STATE  
GOVERNMENT, INCLUDING PROVISIONS AFFECTING AGRICULTURE AND  
NATURAL RESOURCES, AND PROVISIONS RELATING TO A WIND ENERGY  
PRODUCTION TAX CREDIT, AND PROVIDING FOR FEES.

1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 10  
1 11  
1 12  
1 13

### AGRICULTURE AND NATURAL RESOURCES DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP GENERAL APPROPRIATIONS

1 14 Section 1. GENERAL DEPARTMENT APPROPRIATION. There is  
1 15 appropriated from the general fund of the state to the  
1 16 department of agriculture and land stewardship for the fiscal  
1 17 year beginning July 1, 2005, and ending June 30, 2006, the  
1 18 following amount, or so much thereof as is necessary, to be  
1 19 used for the purposes designated:

1 20 For purposes of supporting the department, including its  
1 21 divisions, for administration, regulation, and programs, for  
1 22 salaries, support, maintenance, miscellaneous purposes, and  
1 23 for not more than the following full-time equivalent  
1 24 positions:

1 25 ..... \$ 17,213,319  
1 26 ..... FTEs 412.52

### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP DESIGNATED APPROPRIATIONS

1 27 Sec. 2. SENIOR FARMERS MARKET NUTRITION PROGRAM. There is  
1 28 appropriated from the general fund of the state to the  
1 29 department of agriculture and land stewardship for the fiscal  
1 30 year beginning July 1, 2005, and ending June 30, 2006, the  
1 31 following amount, or so much thereof as is necessary, to be  
1 32 used for the purposes designated:

1 33 For purposes of administering a senior farmers market  
2 1 nutrition program, including salaries, support, maintenance,  
2 2 miscellaneous purposes, and for not more than the following  
2 3 full-time equivalent positions:

2 4 ..... \$ 77,000  
2 5 ..... FTEs 1.00

2 6 Sec. 3. CHRONIC WASTING DISEASE. There is appropriated  
2 7 from the general fund of the state to the department of  
2 8 agriculture and land stewardship for the fiscal year beginning  
2 9 July 1, 2005, and ending June 30, 2006, the following amount,  
2 10 or so much thereof as is necessary, to be used for the  
2 11 purposes designated:

2 12 For purposes of administering a chronic wasting disease  
2 13 control program for the control of chronic wasting disease  
2 14 which threatens farm deer as provided in chapter 170,  
2 15 including salaries, support, maintenance, miscellaneous  
2 16 purposes, and for not more than the following full-time  
2 17 equivalent positions:

2 18 ..... \$ 100,000  
2 19 ..... FTEs 1.60

2 20 The program may include procedures for the inspection and  
2 21 testing of farm deer, responses to reported cases of chronic  
2 22 wasting disease, and methods to ensure that owners of farm  
2 23 deer may engage in the movement and sale of farm deer.

2 24 Sec. 4. RIVER AUTHORITY. There is appropriated from the  
2 25 general fund of the state to the department of agriculture and  
2 26 land stewardship for the fiscal year beginning July 1, 2005,  
2 27 and ending June 30, 2006, the following amount, or so much  
2 28 thereof as is necessary, to be used for the purpose  
2 29 designated:

2 30 For purposes of supporting the department's membership in  
2 31 the state interagency Missouri river authority, created in  
2 32 section 28L.1, in the Missouri river basin association:

2 33 ..... \$ 9,535

2 34 Sec. 5. HORSE AND DOG RACING. There is appropriated from  
3 1 the moneys available under section 99D.13 to the department of  
3 2 agriculture and land stewardship for the fiscal year beginning  
3 3 July 1, 2005, and ending June 30, 2006, the following amount,  
3 4 or so much thereof as is necessary, to be used for the  
3 5 purposes designated:

3 5 For salaries, support, maintenance, and miscellaneous

3 6 purposes for the administration of section 99D.22:  
 3 7 ..... \$ 305,516  
 3 8 Sec. 6. DAIRY PRODUCTS CONTROL BUREAU. There is  
 3 9 appropriated from the general fund of the state to the  
 3 10 department of agriculture and land stewardship for the fiscal  
 3 11 year beginning July 1, 2005, and ending June 30, 2006, the  
 3 12 following amount, or so much thereof as is necessary, to be  
 3 13 used for the purposes designated:  
 3 14 For purposes of supporting the operations of the dairy  
 3 15 products control bureau, including salaries, support,  
 3 16 maintenance, and miscellaneous purposes:  
 3 17 ..... \$ 643,166  
 3 18 Sec. 7. AVIAN INFLUENZA. There is appropriated from the  
 3 19 general fund of the state to the department of agriculture and  
 3 20 land stewardship for the fiscal year beginning July 1, 2005,  
 3 21 and ending June 30, 2006, the following amount, or so much  
 3 22 thereof as is necessary, to be used for the purpose  
 3 23 designated:  
 3 24 For the support of testing and monitoring avian influenza:  
 3 25 ..... \$ 50,000  
 3 26 Notwithstanding section 8.33, moneys appropriated in this  
 3 27 section that remain unencumbered or unobligated at the close  
 3 28 of the fiscal year shall not revert but shall remain available  
 3 29 for the continued testing and monitoring of avian influenza  
 3 30 until the close of the succeeding fiscal year.  
 3 31 Sec. 8. APIARY REGULATION. There is appropriated from the  
 3 32 general fund of the state to the department of agriculture and  
 3 33 land stewardship for the fiscal year beginning July 1, 2005,  
 3 34 and ending June 30, 2006, the following amount, or so much  
 3 35 thereof as is necessary, to be used for the purposes  
 4 1 designated:  
 4 2 For support of apiary regulation as provided in chapter  
 4 3 160, including salaries, support, maintenance, and  
 4 4 miscellaneous purposes:  
 4 5 ..... \$ 40,000  
 4 6 Sec. 9. SOIL AND WATER CONSERVATION DISTRICTS. There is  
 4 7 appropriated from the general fund of the state to the  
 4 8 department of agriculture and land stewardship for the fiscal  
 4 9 year beginning July 1, 2005, and ending June 30, 2006, the  
 4 10 following amount, or so much thereof as is necessary, to be  
 4 11 used for the purposes designated:  
 4 12 For purposes of reimbursing commissioners of soil and water  
 4 13 conservation districts for administrative expenses including  
 4 14 but not limited to travel expenses, technical training, and  
 4 15 professional dues:  
 4 16 ..... \$ 250,000  
 4 17 A soil and water conservation district receiving moneys  
 4 18 from an allocation provided pursuant to this section shall  
 4 19 submit a report to the soil conservation division of the  
 4 20 department of agriculture and land stewardship by January 1,  
 4 21 2006, accounting for moneys which have been expended or  
 4 22 unexpended or which have been obligated or encumbered. The  
 4 23 report shall state how the moneys were used.  
 4 24 DEPARTMENT OF NATURAL RESOURCES  
 4 25 GENERAL APPROPRIATIONS  
 4 26 Sec. 10. GENERAL DEPARTMENT APPROPRIATION. There is  
 4 27 appropriated from the general fund of the state to the  
 4 28 department of natural resources for the fiscal year beginning  
 4 29 July 1, 2005, and ending June 30, 2006, the following amount,  
 4 30 or so much thereof as is necessary, to be used for the  
 4 31 purposes designated:  
 4 32 For purposes of supporting the department, including its  
 4 33 divisions, for administration, regulation, and programs, for  
 4 34 salaries, support, maintenance, miscellaneous purposes, and  
 4 35 for not more than the following full-time equivalent  
 5 1 positions:  
 5 2 ..... \$ 16,883,439  
 5 3 ..... FTEs 1,105.46  
 5 4 Sec. 11. STATE FISH AND GAME PROTECTION FUND ==  
 5 5 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.  
 5 6 1. a. There is appropriated from the state fish and game  
 5 7 protection fund to the department of natural resources for the  
 5 8 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
 5 9 the following amount, or so much thereof as is necessary, to  
 5 10 be used for the purposes designated:  
 5 11 For administrative support, and for salaries, support,  
 5 12 maintenance, equipment, and miscellaneous purposes:  
 5 13 ..... \$ 31,370,766  
 5 14 b. Notwithstanding section 455A.10, the department may use  
 5 15 the unappropriated balance remaining in the fish and game  
 5 16 protection fund to provide for the funding of health and life

5 17 insurance premium payments from unused sick leave balances of  
 5 18 conservation peace officers employed in a protection  
 5 19 occupation who retire, pursuant to section 97B.49B.  
 5 20 2. The department shall not expend more moneys from the  
 5 21 fish and game protection fund than provided in this section,  
 5 22 unless the expenditure derives from contributions made by a  
 5 23 private entity, or a grant or moneys received from the federal  
 5 24 government, and is approved by the natural resource  
 5 25 commission. The department of natural resources shall  
 5 26 promptly notify the legislative services agency and the  
 5 27 chairpersons and ranking members of the joint appropriations  
 5 28 subcommittee on agriculture and natural resources concerning  
 5 29 the commission's approval.  
 5 30 Sec. 12. GROUNDWATER PROTECTION FUND. There is  
 5 31 appropriated from the groundwater protection fund created in  
 5 32 section 455E.11 to the department of natural resources for the  
 5 33 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
 5 34 from those moneys which are not allocated pursuant to that  
 5 35 section, the following amount, or so much thereof as is  
 6 1 necessary, to be used for the purposes designated:  
 6 2 For administrative support, and for salaries, support,  
 6 3 maintenance, equipment, and miscellaneous purposes related to  
 6 4 providing for groundwater quality:  
 6 5 ..... \$ 3,455,832  
 6 6 DEPARTMENT OF NATURAL RESOURCES  
 6 7 RELATED TRANSFERS  
 6 8 Sec. 13. SNOWMOBILE FEES == TRANSFER FOR ENFORCEMENT  
 6 9 PURPOSES. There is transferred on July 1, 2005, from the fees  
 6 10 required to be deposited in the special snowmobile fund under  
 6 11 section 321G.7 to the fish and game protection fund and  
 6 12 appropriated to the department of natural resources for the  
 6 13 fiscal year beginning July 1, 2005, and ending June 30, 2006,  
 6 14 the following amount, or so much thereof as is necessary, to  
 6 15 be used for the purpose designated:  
 6 16 For enforcing snowmobile laws as part of the state  
 6 17 snowmobile program administered by the department of natural  
 6 18 resources:  
 6 19 ..... \$ 100,000  
 6 20 Sec. 14. VESSEL FEES == TRANSFER FOR ENFORCEMENT PURPOSES.  
 6 21 There is transferred on July 1, 2005, from the fees required  
 6 22 to be deposited in the special conservation fund under section  
 6 23 462A.52 to the fish and game protection fund and appropriated  
 6 24 to the natural resource commission for the fiscal year  
 6 25 beginning July 1, 2005, and ending June 30, 2006, the  
 6 26 following amount, or so much thereof as is necessary, to be  
 6 27 used for the purpose designated:  
 6 28 For the administration and enforcement of navigation laws  
 6 29 and water safety:  
 6 30 ..... \$ 1,400,000  
 6 31 Notwithstanding section 8.33, moneys transferred and  
 6 32 appropriated in this section that remain unencumbered or  
 6 33 unobligated at the close of the fiscal year shall not revert  
 6 34 to the credit of the fish and game protection fund but shall  
 6 35 be credited to the special conservation fund established by  
 7 1 section 462A.52 to be used as provided in that section.  
 7 2 DEPARTMENT OF NATURAL RESOURCES  
 7 3 DESIGNATED APPROPRIATIONS  
 7 4 Sec. 15. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE  
 7 5 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated  
 7 6 from the unassigned revenue fund administered by the Iowa  
 7 7 comprehensive underground storage tank fund board, to the  
 7 8 department of natural resources for the fiscal year beginning  
 7 9 July 1, 2005, and ending June 30, 2006, the following amount,  
 7 10 or so much thereof as is necessary, to be used for the purpose  
 7 11 designated:  
 7 12 For administration expenses of the underground storage tank  
 7 13 section of the department of natural resources:  
 7 14 ..... \$ 200,000  
 7 15 Sec. 16. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any  
 7 16 contrary provision of state law, for the fiscal year beginning  
 7 17 July 1, 2005, and ending June 30, 2006, the department of  
 7 18 natural resources may use additional funds available to the  
 7 19 department from stormwater discharge permit fees for the  
 7 20 staffing of the following additional full-time staff members  
 7 21 to reduce the department's floodplain permit backlog:  
 7 22 ..... FTEs 2.00  
 7 23 Sec. 17. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY  
 7 24 LOAD PROGRAM. Notwithstanding any contrary provision of state  
 7 25 law, for the fiscal year beginning July 1, 2005, and ending  
 7 26 June 30, 2006, the department of natural resources may use  
 7 27 additional funds available to the department from stormwater

7 28 discharge permit fees for the staffing of the following  
 7 29 additional full-time equivalent positions for implementation  
 7 30 of the federal total maximum daily load program:  
 7 31 ..... FTEs 2.00  
 7 32 IOWA STATE UNIVERSITY  
 7 33 DESIGNATED APPROPRIATION  
 7 34 Sec. 18. OPEN FEEDLOTS HOUSING BEEF CATTLE == WATER  
 7 35 QUALITY RESEARCH PROJECT. There is appropriated from the  
 8 1 agrichemical remediation fund created in section 161.7 to Iowa  
 8 2 state university for the fiscal year beginning July 1, 2005,  
 8 3 and ending June 30, 2006, the following amount, or so much  
 8 4 thereof as is necessary, to be used for the purposes  
 8 5 designated:  
 8 6 For purposes of supporting a water quality research project  
 8 7 which studies the effectiveness of alternative technologies  
 8 8 used to reduce risks to water quality from effluent  
 8 9 originating from open feedlots which house beef cattle:  
 8 10 ..... \$ 100,000  
 8 11 In conducting the project, Iowa state university shall  
 8 12 cooperate with the Iowa cattlemen's association, the  
 8 13 department of natural resources, the department of agriculture  
 8 14 and land stewardship, and the United States department of  
 8 15 agriculture natural resource conservation service.  
 8 16 DEPARTMENT OF AGRICULTURE  
 8 17 AND LAND STEWARDSHIP  
 8 18 HORSE AND DOG  
 8 19 REGULATION == FEES  
 8 20 Sec. 19. Section 99D.22, subsection 3, paragraph d, Code  
 8 21 2005, is amended by striking the paragraph and inserting in  
 8 22 lieu thereof the following:  
 8 23 d. Establish a registration fee imposed on each horse  
 8 24 which is a thoroughbred, quarter horse, or standardbred which  
 8 25 shall be paid by the breeder of the horse. The department  
 8 26 shall not impose the registration fee more than once on each  
 8 27 horse. The amount of the registration fee shall not exceed  
 8 28 thirty dollars. The moneys paid to the department from  
 8 29 registration fees shall be considered repayment receipts as  
 8 30 defined in section 8.2, and shall be used for the  
 8 31 administration and enforcement of this subsection.  
 8 32 Sec. 20. Section 99D.22, Code 2005, is amended by adding  
 8 33 the following new subsection:  
 8 34 NEW SUBSECTION. 3A. a. The department of agriculture and  
 8 35 land stewardship shall adopt rules establishing a schedule of  
 9 1 registration fees to be imposed on owners of dogs that are  
 9 2 whelped and raised for the first six months of their lives in  
 9 3 Iowa for purposes of promoting native dogs as provided in this  
 9 4 chapter, including section 99D.12 and this section. The  
 9 5 amount of the registration fees shall be imposed as follows:  
 9 6 (1) An owner of a dam registering the dam, twenty-five  
 9 7 dollars.  
 9 8 (2) An owner of a litter registering the litter, ten  
 9 9 dollars.  
 9 10 (3) An owner of a dog registering the dog, five dollars.  
 9 11 b. The moneys paid to the department from registration  
 9 12 fees as provided in paragraph "a" shall be considered  
 9 13 repayment receipts as defined in section 8.2, and shall be  
 9 14 used for the administration and enforcement of programs for  
 9 15 the promotion of native dogs.  
 9 16 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP  
 9 17 AND DEPARTMENT OF NATURAL RESOURCES  
 9 18 DEER REGULATION AND FEES  
 9 19 Sec. 21. NEW SECTION. 170.3A CHRONIC WASTING DISEASE  
 9 20 CONTROL PROGRAM.  
 9 21 The department shall establish and administer a chronic  
 9 22 wasting disease control program for the control of chronic  
 9 23 wasting disease which threatens farm deer. The program shall  
 9 24 include procedures for the inspection and testing of farm  
 9 25 deer, responses to reported cases of chronic wasting disease,  
 9 26 and methods to ensure that owners of farm deer may engage in  
 9 27 the movement and sale of farm deer.  
 9 28 Sec. 22. NEW SECTION. 170.3B FARM DEER ADMINISTRATION  
 9 29 FEE.  
 9 30 The department may establish a farm deer administration fee  
 9 31 which shall be annually imposed on each landowner who keeps  
 9 32 farm deer in this state. The amount of the fee shall not  
 9 33 exceed two hundred dollars per year. The fee shall be  
 9 34 collected by the department in a manner specified by rules  
 9 35 adopted by the department after consulting with the farm deer  
 10 1 council established in section 170.2. The collected fees  
 10 2 shall be credited to the farm deer administration fund created  
 10 3 pursuant to section 170.3C.

10 4 Sec. 23. NEW SECTION. 170.3C FARM DEER ADMINISTRATION  
10 5 FUND == APPROPRIATION.  
10 6 A farm deer administration fund is created in the state  
10 7 treasury under the control of the department.  
10 8 1. The fund shall be composed of moneys appropriated by  
10 9 the general assembly and moneys available to and obtained or  
10 10 accepted by the department from the United States or private  
10 11 sources for placement in the fund. The fund shall include all  
10 12 moneys collected from the farm deer administration fee as  
10 13 provided in section 170.3B.

10 14 2. The moneys in the fund are appropriated exclusively to  
10 15 the department for the purpose of administering the chronic  
10 16 wasting disease control program as provided in section 170.3A.

10 17 3. Section 8.33 shall not apply to moneys credited to the  
10 18 fund. Notwithstanding section 12C.7, moneys earned as income  
10 19 or interest from the fund shall remain in the fund until  
10 20 expended as provided in this section.

10 21 Sec. 24. Section 483A.24, subsection 2, paragraph c, if  
10 22 enacted by 2005 Iowa Acts, Senate File 206, section 8, is  
10 23 amended to read as follows:

10 24 c. Upon written application on forms furnished by the  
10 25 department, the department shall issue annually without fee  
10 26 two deer hunting licenses, one antlered or any sex deer  
10 27 hunting license and one antlerless deer only deer hunting  
10 28 license, to the owner of a farm unit or a member of the  
10 29 owner's family, but only a total of two licenses for both, and  
10 30 to the tenant of a farm unit or a member of the tenant's  
10 31 family, but only a total of two licenses for both. The deer  
10 32 hunting licenses issued shall be valid only for use on the  
10 33 farm unit for which the applicant applies pursuant to this  
10 34 paragraph. The owner or the tenant need not reside on the  
10 35 farm unit to qualify for the free deer hunting licenses to  
11 1 hunt on that farm unit. The free deer hunting licenses issued  
11 2 pursuant to this paragraph shall be valid and may be used  
11 3 during any shotgun deer season. The licenses may be used to  
11 4 harvest deer in two different seasons. In addition, a person  
11 5 who receives a free deer hunting license pursuant to this  
11 6 paragraph shall pay a one dollar fee for each license that  
11 7 shall be used and is appropriated for the purpose of deer herd  
11 8 population management, including assisting with the cost of  
11 9 processing deer donated to the help us stop hunger program  
11 10 administered by the commission.  
11 11  
11 12  
11 13

11 14 \_\_\_\_\_  
11 15 CHRISTOPHER C. RANTS  
11 16 Speaker of the House

11 17 \_\_\_\_\_  
11 18 JOHN P. KIBBIE  
11 19 President of the Senate

11 20  
11 21  
11 22 I hereby certify that this bill originated in the House and  
11 23 is known as House File 808, Eighty-first General Assembly.  
11 24

11 25 \_\_\_\_\_  
11 26 MARGARET THOMSON  
11 27 Chief Clerk of the House

11 28  
11 29 Approved \_\_\_\_\_, 2005  
11 30  
11 31

11 32 \_\_\_\_\_  
11 33 THOMAS J. VILSACK  
11 34 Governor